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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,900	09/10/2003	Kreg A. Martin	2120-02800	5161
23505	7590	08/06/2007	EXAMINER	
CONLEY ROSE, P.C.			LUU, LE HIEN	
David A. Rose			ART UNIT	PAPER NUMBER
P. O. BOX 3267			2141	
HOUSTON, TX 77253-3267			MAIL DATE	DELIVERY MODE
			08/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/658,900	MARTIN ET AL.	
	Examiner Le H. Luu	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 09/10/03 - 03/03/04.  
 2a) This action is FINAL.                                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-43 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5,8-20 and 22-43 is/are rejected.  
 7) Claim(s) 6-7 and 21 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

1. Claims 1-43 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 8-20, and 22-43 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Thornton et al. (Thornton) Pub. No. 2002/0101860.

5. As to claim 1, Thornton teaches the invention as claimed, including a switch that comprises:

a plurality of front-end circuits that interface to ports through which frames are transmitted and received (Fig. 2; page 6, paragraphs [0079 – 0081]);

a plurality of back-end circuits that store equal-sized frame portions in stripes (page 8, paragraph [0090]); and

internal links from each of the front-end circuits to each of the back-end circuits (Fig. 2),

wherein the internal links have dynamically assigned time slots that are

staggered in time between internal links from a given front-end circuit (page 8, paragraph [0091]).

6. As to claims 2-5, Thornton teaches data that traverses the internal links from a front-end circuit to a back-end circuit comprises a read address; a write address; write data; and read data (pages 7-8, paragraphs [0086, 0093]).

7. As to claims 8-14, Thornton teaches a frame may be transferred from one of the plurality of back-end circuits on an unused time slot not ordinarily assigned to the frame; wherein an unused time slot is utilized by a frame waiting in a transfer queue; a time slot is reassigned to fulfill a higher priority transfer; wherein each of the plurality of back-end circuits is logically divided into multiple back-end circuits; wherein data is stored on the multiple back-end circuits in a redundant fashion; wherein the time slots transfer data types selected from the group consisting of read addresses, write addresses, frame data, and a combination thereof; wherein the data types are transferred on an internal link in a defined pattern (page 7, paragraphs [0084 - 0088]; page 16, paragraph [0161]).

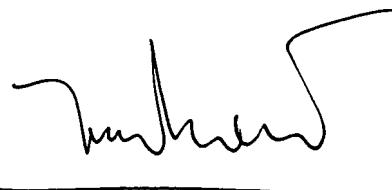
8. Claims 15-20 and 22-43 have similar limitations as claims 1-5 and 8-14; therefore, they are rejected under the same rationale.

9. Claim 6-7 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H. Luu whose telephone number is 571-272-3884. The examiner can normally be reached on 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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LE HIENT LUU  
PRIMARY EXAMINER